

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DEBORA NOVAKOWSKI,

CIVIL DIVISION

Plaintiff,

NO. 04-356 ERIE

v.

Judge McLaughlin
Electronically Filed

ELAINE CHAO, SECRETARY, and the
UNITED STATES DEPARTMENT OF LABOR,

Defendants.

PLAINTIFF'S MOTION FOR EXTENSION OF TIME
TO COMPLETE DISCOVERY

1. The within case involves Plaintiff's claim of sexual discrimination as a result of being denied a promotion in violation of the Civil Rights Act of 1964 as amended, 42 U.S.C. § 2000e-16(a). Discovery is scheduled to close on October 29, 2005. (Exhibit A).

2. The parties exchanged Interrogatories and Request for Production of Documents on August 3, 2005. (Exhibit B).

3. Mutual responses to the parties discovery requests were due on September 3, 2005.

4. On or about September 29, 2005, Plaintiff's counsel inquired as to when Defendants' responses could be expected. No reply was forthcoming (Exhibit C).

5. On or about October 10, 2005, counsel for the parties discussed Defendants' failure to respond to Plaintiff's discovery requests and the possibility of completing discovery by October 29, 2005.

6. Defendants' counsel indicated that Defendants were having difficulty gathering information to respond to Plaintiff's discovery requests and promised to provide partial answers

as soon as possible.

7. Plaintiff's counsel responded to Defendants' counsels' requests for dates of deposition if Plaintiff received Defendants' responses before October 29, 2005. Scheduling conflicts and Plaintiff's assignment to go on special duty in the areas damaged by Hurricane Katrina precluded the possibility of the depositions being completed by October 29, 2005, (Exhibit D), regardless that Defendants produced responses to Plaintiff's discovery requests.

8. Defendants have never produced even partial responses to Plaintiff's discovery requests and no information has been forthcoming as to when responses can be expected.

9. On or about October 19, 2005, Plaintiff's counsel communicated with Defendants' counsel reminding him of Defendants' failure to respond to Plaintiff's discovery requests and of the necessity of an extension of time to complete discovery. (Exhibit E).

10. Defendants' counsel has not replied to the October 19, 2005 communication.

11. Plaintiff cannot take depositions without responses to her discovery requests.

WHEREFORE, for all the above reasons, Plaintiff respectfully requests that this Honorable Court extend the date for completion of discovery until January 31, 2006 and adjust all other dates in the Case Management Order accordingly.

Respectfully submitted,

Date: 10/25/05

/s/ John R. Linkosky
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CERTIFICATE OF SERVICE

I hereby certify that an original and one copy of the foregoing Plaintiff's Motion for Extension of Time to Complete Discovery was delivered by First Class, United States mail, postage prepaid, on the 25th day of October 2005, to the following:

Paul E. Skirtich, Esquire
Assistant U.S. Attorney
United States Department of Justice
U.S. Post Office & Courthouse
700 Grant Street, Suite 400
Pittsburgh, PA 15219

/s/ John R. Linkosky
John R. Linkosky, Esquire
Attorney for Plaintiff